

Translation

PATENT COOPERATION TREATY

PCT



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT048122		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/CN2004/000206	International filing date (day/month/year) 15.Mar 2004(15.03.2004)	Priority date (day/month/year) 13.Mar 2003(13.03.2003)	
International Patent Classification (IPC) or national classification and IPC IPC ⁷ A61F2/32			
<p>Applicant CHIENG, Poonung</p> <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application 			
Date of submission of the demand 10.Oct 2004(10.10.2004)	Date of completion of this report 11.July 2005(11.07.2005)		
Name and mailing address of the IPEA/CN The State Intellectual Property Office, the P.R.China, 6 Xitucheng Rd., Jimen Bridge, Haidian District, Beijing, China 100088 Facsimile No. 86-10-62019451	<p>Authorized officer Zheng Qiwei</p> <p>Telephone No. 86-10-62085797</p>		

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CN2004/000206

Box No. I Basis of the report

1. With regard to the language, this report is based on:
 - the international application in the language in which it was filed
 - a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
 - international search (Rules 12.3(a) and 23.1(b))
 - publication of the international application (Rule 12.4(a))
 - international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
 - the international application as originally filed/furnished
 - the description:

pages	_____	as originally filed/furnished
pages	_____	received by this Authority on _____
pages	_____	received by this Authority on _____
 - the claims:

pages	_____	as originally filed/furnished
pages	_____	as amended (together with any statement)under Article 19
pages	_____	received by this Authority on _____
pages	_____	received by this Authority on _____
 - the drawings:

pages	_____	as originally filed/furnished
pages	_____	received by this Authority on _____
pages	_____	received by this Authority on _____
 - a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:
 - the description, pages _____
 - the claims, Nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
 - any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages _____
 - the claims, Nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
 - any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CN2004/000206**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement:**

Novelty (N)	Claims 1–3	YES
	Claims _____	NO
Inventive step (IS)	Claims _____	YES
	Claims 1–3	NO
Industrial applicability (IA)	Claims 1–3	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

Claims 1–3 meet the requirement of PCT Article 33(2) and 33(4).

The document 1 (US 5658339A) concerns a compression hip screw plate which includes a compression plate for compressing the femur. The compression plate has more than one hole on its surface, and fixing elements for fixing the plate on the surface of the femur extend through these holes respectively. The plate also includes an enhancing bone screw which extends through the plate and the femur. A centre bone screw is provided, one end of which is screwed with the enhancing bone screw and the other end of which protrudes out the neck of the femur.

The difference between claim 1 and document 1 is that the former further includes a femur neck protecting device, the other end of the centre bone screw, at which the centre bone screw is screwed with the enhancing bone screw, is interposed into and fixed in the femur neck protecting device.

The document 2 (CN 2534997Y) discloses such femur neck protecting device (10). The device includes a centre bone screw (14). The other end of the centre bone screw is interposed into and fixed in the femur neck protecting device.

It is obvious that the skilled person in the art combine the document 1 and 2 and consequently gain the solution of claim 1. The combination does not create any unexpected satisfactory effect. So claim 1 doesn't involve an inventive step, and does not meet the requirement of PCT Article 33(3).

The additional features of appendant claims 2–3 are all disclosed by document 2. So they also do not meet the requirement of PCT Article 33(3).